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OLC: 78-3018/2
8 September 1978

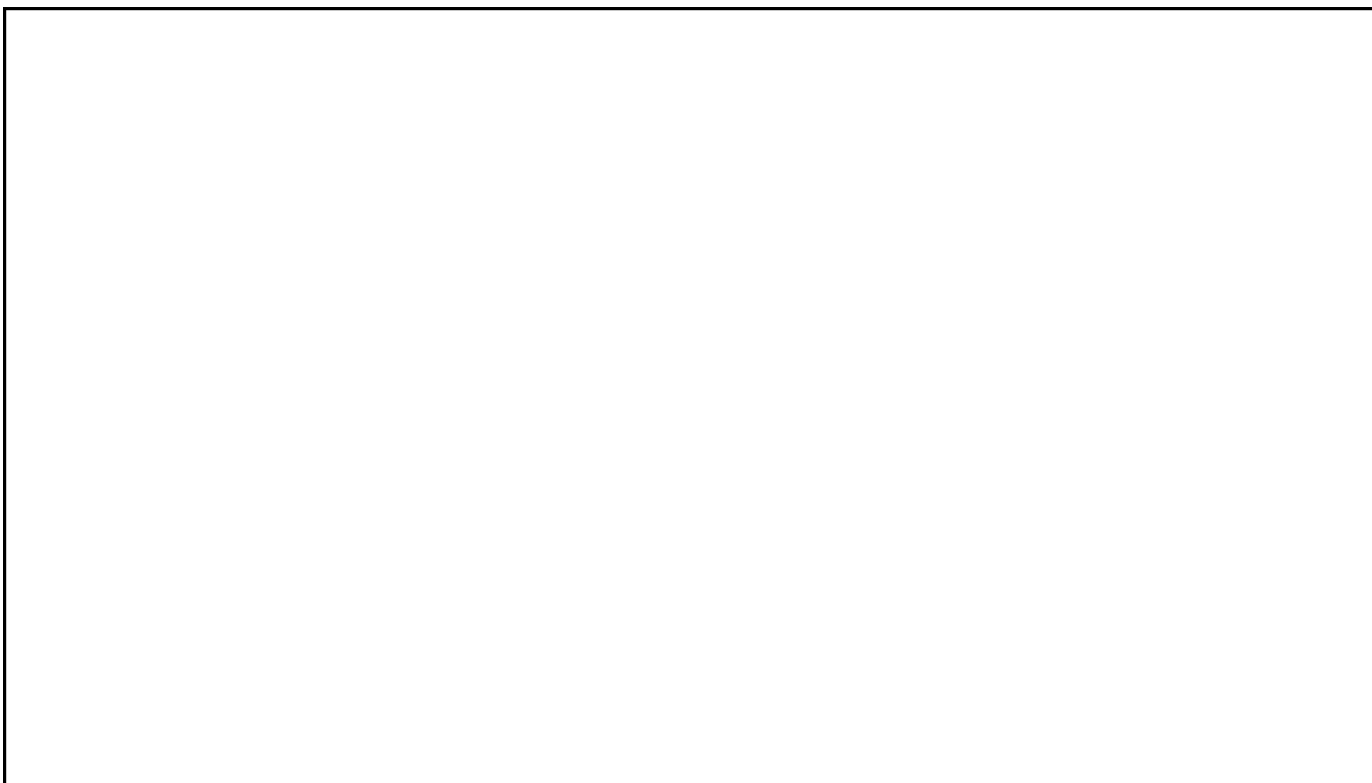
MEMORANDUM FOR THE RECORD

SUBJECT: Visit by Michael Glennon, Legal Counsel, Senate Foreign Relations Committee

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1. ☐ Michael Glennon visited Headquarters on 8 September 1978 to review documents relevant to the Subcommittee on International Operations' investigation of foreign intelligence activities in the U.S. Glennon appeared pleased at the way the understanding on the third agency rule reached at the 3 August Senate-House conference on the State Department Authorization bill was working out. Several of the documents he reviewed were made available as a result of the Department of State's having encountered them in its' files and referring the matter to the Agency in accordance with the understanding.

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25X1 4. ☐ It is interesting to note that Glennon did not choose to challenge the assertion that the Subcommittee's investigation was focused on the activities of foreign intelligence services in the U.S. Glennon's response to ☐ raising of this point consisted of an attempt to show how ☐ might be involved in the activities that were the subject of his questions. Glennon did not choose to argue that the Subcommittee's purpose of suggesting changes in the Foreign Agents Registration Act necessitated a more broadly focused investigation, i.e., one of Korean-gate type influence buying activities in general. Should Glennon choose in the future to argue that the Subcommittee's investigation is not confined merely to the harassment of U.S. residents by foreign intelligence services, but covers broader matters related to the Foreign Agents Registration Act, he would be on fairly firm ground since the Foreign Agents Registration Act does deal generally with the activities of "agents of foreign principals."

25X1 5. ☐ While Glennon reviewed documents, the undersigned called Ted Heavner, Bureau of Intelligence and Research (INR), Department of State, and George Calhoun, Chief/Special Litigation section, Criminal Division, Department of Justice, and Special Counsel for Justice Department relations with the Subcommittee. Heavner said that Glennon's questions to the Department had been confined almost exclusively to matters pertaining directly to the activities of foreign intelligence services in the U.S. (Heavner mentioned, incidentally, that the State Department's hierarchy was still determining how the Department would respond to certain questions on electronic surveillance. Heavner's impression was that the Department's response would be in line with the plan of action agreed upon at the inter-agency meeting held at CIA Headquarters on 25 August. Heavner said that he thought INR Director William Bowdler would eventually call the DDCI to consult further on this matter.) The conversation with Mr. Calhoun revealed that the questions posed by the Subcommittee to the Department of Justice and FBI had been somewhat broader than those posed to the Department of State. Calhoun noted that when the subject of the relevancy of some questions to the Subcommittee's investigation had been raised, Glennon's response had been that the Subcommittee was attempting to look at how ☐

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6. [Redacted] During lunch with the undersigned, the Legislative Counsel and the Deputy Legislative Counsel, Glennon mentioned a provision on information sharing that had been included in the FY 1979 State Department Authorization bill. This provision is attached.

[Redacted]

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Assistant Legislative Counsel

Attachment:
As Stated

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Distribution:
Original - OLC Subject w/att.
1 - [Redacted] w/att.
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The Senate amendment (section 407) states the finding of Congress that State Department international political, economic, and other studies could be valuable to the two foreign affairs committees of the Congress and that a formal information sharing arrangement between the State Department and the two committees could serve the national interest provided that controls are established to protect necessary confidentiality. The Senate amendment directs the Secretary of State to transmit to the Congress, not later than January 20, 1979, recommendations for establishing such an information-sharing arrangement.

The House bill contains no comparable provision.

Administration position: The administration agrees that a carefully conceived information sharing arrangement with the Congress would be beneficial to the Department and the Congress.

CONFERENCE REPORT ON H.R. 13593,
FOREIGN RELATIONS AUTHOR-
IZATION ACT, FISCAL YEAR 1979

SYSTEMATIC INFORMATION-SHARING

The Senate amendment stated the finding of Congress that State Department international political, economic, and other studies could be valuable to the two foreign relations committees of the Congress and that a formal information-sharing arrangement between the State Department and the two committees could serve the national interest provided that controls are established to protect necessary confidentiality. The Senate amendment directed the Secretary of State to transmit to the Congress, not later than January 20, 1979, recommendations for establishing such an information-sharing arrangement.

The House bill did not contain a comparable provision.

The conference substitute is the same as the Senate provision.

SENATE AMENDMENT

SYSTEMATIC INFORMATION-SHARING

SEC. 407. (a) Congress finds that—

(1) international political, economic, and other studies prepared systematically by State Department analysts as needed background information for executive branch policymakers could be similarly valuable to the two foreign affairs committees of the Congress in fulfilling their responsibilities; and

(2) a formal information-sharing arrangement between the State Department and such congressional committees could therefore serve the national interest, provided that controls on dissemination are established which insure that neither the process of analysis nor necessary confidentiality is jeopardized.

(b) Not later than January 20, 1979, the Secretary of State shall transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate recommendations respecting the establishment of such an information-sharing arrangement.